

HOUSE CONCURRENT RESOLUTION NO. 163

(By Delegates Fleischauer, Barker, Brown, Caputo, Doyle,
Ferro, Guthrie, Hatfield, Hunt, Iaquina,
Lawrence, Mahan, Marshall, Moore, Pasdon, Poore,
Rowan, Staggers and Wells)

Requesting the Joint Committee on Government and Finance to study
the issues related to a lack of an adopted building code in 47
out of 55 counties in West Virginia.

WHEREAS, The West Virginia State Building Code establishes "the
standards considered necessary by the State Fire Commission for the
safeguarding of life and property and to ensure compliance with the
minimum standards of safe construction of all structures erected or
renovated throughout this state"; and

WHEREAS, Local jurisdictions must adopt the State Building Code
before they can enforce building standards; and

WHEREAS, As of January 2011, 47 of 55 counties had not adopted
the state building code; and

WHEREAS, Without an adopted building code throughout the state,
residents' safety can be at risk due to poor construction and use
of below-grade materials; and

WHEREAS, The Federal Fair Housing Act and the West Virginia
Fair Housing Act specify design and construction accessibility
requirements; and

WHEREAS, No enforcement mechanism exists for state and federal
laws governing accessibility requirements of new multifamily

1 construction; and

2 WHEREAS, West Virginia has a higher percent of the population
3 with disabilities than any other state in the nation (24.4%); and

4 WHEREAS, Although the majority of West Virginians live in
5 single family homes, growing communities and communities with local
6 colleges and universities, including Morgantown, Clarksburg and
7 Huntington, are experiencing rapid construction of apartments and
8 condominiums that are subject to Fair Housing Act's design and
9 construction requirements; and

10 WHEREAS, Without building code enforcement, Fair Housing design
11 and construction requirements are only investigated when an
12 individual files a housing discrimination complaint with the West
13 Virginia Human Rights Commission (WVHRC) or HUD; and

14 WHEREAS, New multifamily construction across the state is
15 visibly out of compliance; and

16 WHEREAS, Adoption of the state building code by local
17 jurisdictions provides an enforcement mechanism for the Fair
18 Housing requirements; and

19 WHEREAS, Enforcement of Fair Housing design and construction
20 will provide more housing choice for the more than 410,000 West
21 Virginians with a disability, including 18,700 veterans with a
22 service-related disability; therefore, be it

23 *Resolved by the Legislature of West Virginia:*

24 That the Joint Committee on the Judiciary is hereby requested

1 to the issues related to a lack of an adopted building code in 47
2 out of 55 counties in West Virginia; and, be it

3 *Further Resolved*, That the study shall include an analysis of
4 the state fire code, including how it was adopted and how it is
5 enforced statewide, and also including any deficiencies in the
6 program and how they could be rectified in a similar adoption of
7 building code; and, be it

8 *Further Resolved*, That the study include a comprehensive
9 overview of the safety benefits of adopting the state building code
10 for residents including single family home owners, renters, and
11 anyone hiring a contractor; and, be it

12 *Further Resolved*, That the study include interviews with
13 county commissioners to understand their possible opposition to
14 adopting the state building code and to address these issues; and,
15 be it

16 *Further Resolved*, That the study include an analysis of
17 visible violations of Fair Housing design and construction
18 requirements in selected communities; and, be it

19 *Further Resolved*, That the study include recommendations on
20 how to adopt a statewide building code and how to enforce it
21 including a budget analysis; and, be it

22 *Further Resolved*, That the study include recommendations for
23 how code enforcement officers will be trained in Fair Housing
24 design and construction requirements; and, be it

1 *Further Resolved*, That the Joint Committee on Government and
2 Finance report to the regular session of the Legislature, 2012, on
3 its findings, conclusions and recommendations, together with drafts
4 of any legislation necessary to effectuate its recommendations;
5 and, be it

6 *Further Resolved*, That the expenses necessary to conduct this
7 study, to prepare a report and to draft necessary legislation be
8 paid from legislative appropriations to the Joint Committee on the
9 Judiciary.